

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division



JOE CEPHUS EDWARDS,

Plaintiff,

v.

ACTION NO. 2:09cv21

MYM SUBDUTES BY E-MAN, and
LOUIS MININIETER FARRADAN,

Defendants.

ORDER

Plaintiff, a Virginia inmate, brings this pro se action pursuant to 42 U.S.C. § 1983 to redress an alleged violation of his constitutional rights.

By Order entered November 28, 2006, in Action No. 2:06cv539, the Court imposed a system of prefiling review on Plaintiff's civil filings. Pursuant to that prefiling review system, a civil action, other than a petition for a writ of habeas corpus, is to be conditionally filed. However, any action that is not accompanied by the full filing fee, and where Plaintiff is not in imminent danger of serious physical harm, is to be summarily dismissed pursuant to § 1915(g). Plaintiff's Complaint is not accompanied by the full filing fee. Plaintiff does not allege that he is in imminent danger of serious physical injury. Nothing in Plaintiff's filings suggests that he is in imminent danger of serious physical injury. Accordingly, this action is **ORDERED DISMISSED** without prejudice to Plaintiff's right to file a paid complaint.

Plaintiff is **ADVISED** that he may appeal from this Dismissal Order by forwarding a written notice of appeal to the Clerk of the United States District Court, United States

Courthouse, 600 Granby Street, Norfolk, Virginia 23510. Said written notice must be received by the Clerk within thirty (30) days from the date of this Dismissal Order. If Plaintiff wishes to proceed *in forma pauperis* on appeal, the application to proceed *in forma pauperis* is to be submitted to the Clerk, United States Court of Appeals, Fourth Circuit, 1100 E. Main Street, Richmond, Virginia 23219.

The Clerk is **DIRECTED** to send a copy of this Dismissal Order to Plaintiff.

IT IS SO ORDERED.

Norfolk, Virginia

January 20, 2009

/s/

Henry Coke Morgan, Jr.
Senior United States District Judge

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